

FILED

OCT 15 1997

RICHARD W. WIENING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSEIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIANEW CONTENDERS, INC. and DILLON
PRODUCTIONS, INC.,

Plaintiffs,

v.

BRENDA OCHOA URCIAGA d/b/a/
MARGARITA'S TAQUERIA, et al.,

Defendants.

NO. C 96-20788 RMW(PVT)

ORDER FOR JUDGMENT

RECEIVED

OCT 20 1997

MANATT, PHELPS & PHILLIPS

This matter came before the court by way of plaintiffs' motion for entry of final judgment by default pursuant to Federal Rule of Civil Procedure 55 against defendants Brenda Ochoa Urciaga d/b/a/ Margarita's Taqueria ("Urciaga"), Miguel Sandobal d/b/a Fiesta Night Club ("Sandobal") and Rosalia Herrera Friejle d/b/a El Tropical Latino Restaurant ("Friejle") for theft of cable television and video programming services in violation of the Copyright Act of 1976, 17 U.S.C. section 101 et seq. Plaintiffs filed their complaint on September 20, 1996. Defendant Urciaga was served on or around January 26, 1997. Defendant Sandobal was served on or around January 14, 1997. Defendant Friejle was served on or around January 15, 1997. Defendants failed to answer or otherwise plead. Plaintiffs have filed the declaration of Milton Chwasky on the issue of piracy and the declarations of W. Drew Kastrer and Jill Pietrini on the issue of entitlement to attorneys' fees

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NO. C 96-20788 RMW
PFC

1 and costs. Plaintiffs further rely on their memoranda of points and authorities in support of motion.
2 Defendants were served with notice of this motion and supporting papers by first class mail as
3 indicated on the certificates of service. Defendants failed to file any opposition or appear at the
4 hearing on October 10, 1997. Therefore, for good cause shown it is hereby ordered that:

5 Judgment on the complaint be entered in favor of plaintiffs and against defendants Urciaga,
6 Sandobal and Friejle;

7 Plaintiffs be awarded damages from defendants and that defendant Urciaga pay to plaintiffs
8 the sum of \$20,000 for violation of 17 U.S.C. section 101 et seq., defendant Sandobal pay to
9 plaintiffs the sum of \$20,000 for violation of 17 U.S.C. section 101 et seq., and defendant Friejle pay
10 to plaintiffs the sum of \$20,000 for violation of 17 U.S.C. section 101 et seq.;

11 Plaintiffs be awarded costs and attorneys fees in the following amounts:

12 Urciaga shall pay to defendants \$1,349.69 in costs and \$2,063.72 in attorneys' fees;

13 Sandobal shall pay to defendants \$1,357.50 in costs and \$2,063.72 in attorneys' fees;

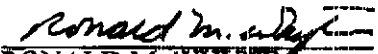
14 Friejle shall pay to defendants \$1,354.67 in costs and \$2040.22 in attorneys' fees;

15 Defendants and defendants' partners, officers, shareholders, employees, agents,
16 representatives, affiliates, successors in interest and all persons in active concert or participation
17 with defendants be permanently enjoined from the date of service of this order upon the defendants
18 from intercepting, recording or exhibiting in any manner any New Contenders, Inc. and Dillon
19 Productions, Inc. television programming without a license or first obtaining New Contenders, Inc.'s
20 or Dillon Productions, Inc.'s written consent to do so from the office of New Contenders, Inc.'s or
21 Dillon Productions, Inc.'s general counsel.

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26 1. Plaintiffs requested damages under both the Copyright Act and the Cable Communications Act.
27 However, they may recover under either the Copyright Act or the Cable Communications Act. The
28 statutory remedies are alternative remedies. Thus, the court awards damages pursuant to the Copyright
Act only.

1 Plaintiff may apply to this court for the purpose of enforcing this order if defendants fail to
2 comply with its terms.

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4 DATED: 10/14/97

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6 RONALD M. WHYTE
7 United States District Judge
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1 Copy of Order mailed on OCT 15 1997 to:
2 Jill M. Pietrini
3 Manatt, Phelps, Phillips
4 11355 West Olympic Blvd.
5 Los Angeles, CA 90064-1614
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7 Paul H. Kochanski
8 W. Drew Kastner
9 Lerner, David, Littenberg,
10 Krumholz & Mentlik
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12 Westfield, NJ 07090
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14 Counsel for Plaintiff
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16 Brenda Ochoa Urciaga
17 d/b/a Margarita's Taqueria
18 73 Arthur Street
19 Watsonville, CA 95076
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21 Miguel Sandobal
22 d/b/a Fiesta Night Club
23 3840 Monterey Highway
24 San Jose, CA 95211
25
26 Rosalia Herrera Friejl
27 d/b/a/ El Tropical Latino Restaurant
28 757 Front Street
Soledad, CA 93960

Defendants